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APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CHRIS SMITH, CHERYL SMITH, KAREN
SMITHSON, JASON ROUSH, FRANK
ORTEGA, ALBERTO CORNEA, MICHELLE
ROGERS, DEBORAH CLASS, AMBER JONES,
KRYSTAL EDWARDS, MARCUS EDWARDS,
ALEXIS KEISER, LOORN SAELEE,
REBECCA MCKEOWN, THOMAS PEAR,
TANNAISHA SMALLWORD and WILLIAM
LAVELLE, individually and on behalf of all other
similarly situated individuals,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 4:21-cv-09527 HSG

**STIPULATION TO EXTEND
DEFENDANT APPLE INC.'S
TIME TO RESPOND TO
SECOND AMENDED
COMPLAINT AND POTENTIAL
MOTION TO DISMISS BRIEFING
SCHEDULE; ORDER**

Dept: Courtroom 2 – 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.

2nd Am. Compl. Filed: March 17, 2023

Pursuant to Rule 6-1(a) of the Local Rules of the United States District Court for the Northern District of California, Plaintiffs Chris Smith, Cheryl Smith, Karen Smithson, Jason Roush, Frank Ortega, Alberto Cornea, Michelle Rogers, Deborah Class, Amber Jones, Krystal Edwards, Marcus Edwards, Alexis Keiser, Loom Saelee, Rebecca McKeown, Thomas Pear, Tannaisha Smallword, and William Lavelle ("Plaintiffs"), and Defendant Apple Inc. ("Apple"), by and through their undersigned counsel, stipulate as follows:

WHEREAS, Plaintiffs filed their Second Amended Complaint on March 17, 2023;

WHEREAS, under Federal Rule of Civil Procedure 15, Apple's deadline to respond to the Second Amended Complaint is March 31, 2023;

WHEREAS, the parties have agreed that the deadline for Apple to respond to the Second Amended Complaint shall be extended by thirty days, which, falling on a Sunday, moves the deadline to May 1, 2023;

WHEREAS, that extension will allow Apple time to analyze the new allegations, eight new named plaintiffs, new proposed subclass, and new cause of action in the 434-paragraph Second Amended Complaint;

WHEREAS, in the event that Apple moves to dismiss the Second Amended Complaint, the parties have agreed that Plaintiffs' deadline to file its opposition shall be extended to and including June 2, 2023, to accommodate Plaintiffs' counsel deposition schedule for another case, and Apple's deadline its reply shall be extended to and including June 23, 2023.

WHEREAS, these extensions of time will not alter the date of any other event or deadline fixed by the Court;

THEREFORE, IT IS HEREBY AGREED AND STIPULATED that:

1. Apple's deadline to respond to Plaintiff's Second Amended Complaint shall be May 1, 2023;

2. In the event Apple moves to dismiss the Second Amended Complaint, Plaintiffs' deadline to file their opposition shall be June 2, 2023;

3. Apple's deadline to file its reply shall be June 23, 2023.

1 Dated: March 27, 2023

MORRISON & FOERSTER LLP

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3 By: /s/ Alexis A. Amezcua
ALEXIS A. AMEZCUA

4 Attorneys for Defendant
5 APPLE INC.

6 Dated: March 27, 2023

CUNNINGHAM BOUNDS, LLC

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8 By: /s/ Lucy E. Tufts
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and WILLIAM LAVELLE.

ECF ATTESTATION

I, Alexis A. Amezcua, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Lucy E. Tufts has concurred in this filing.

Dated: March 27, 2023

MORRISON & FOERSTER LLP


By: /s/ Alexis A. Amezcua
ALEXIS A. AMEZCUA

Attorneys for Defendant
APPLE INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/28/2023


Hon. Haywood S. Gilliam, Jr.
United States District Judge